

Entered - 1-24-01 - sb
CL - 01L0075 ALEXIS HOLMES

01-*R*-0867

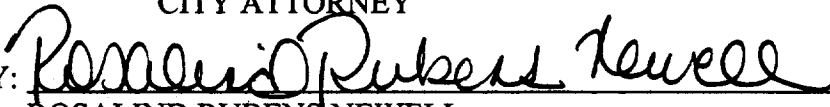
CLAIM OF: **WEBSTER LUKE AND
BEVERLY FAY GWINN LUKE**
3755 Lockerbie Lane
Powdersprings, Georgia 30127

For damages alleged to have been sustained as a result of a City of Atlanta Patrol car hubcap hitting their vehicle on January 5, 2001 at North Avenue and Glen Iris Street.

BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **WEBSTER LUKE AND BEVERLY FAYE GWINN LUKE** the sum of **\$1,014.02** in full settlement and satisfaction of all claims, past, present and future, of every kind and character **for damages alleged to have been sustained as a result of a City of Atlanta patrol car hubcap hitting their vehicle on January 5, 2001 at North Avenue and Glen Iris Street** as is more particularly set forth in the within claim; said sum taken from and charged to account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD
CITY ATTORNEY

BY: 
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0075

Date: 5/16/01

Claimant /Victim WEBSTER LUKE AND BEVERLY FAYE GWINN LUKE

BY: (Atty)(Ins.) _____

Address: 3755 Lockerbie Lane Powder Springs, Georgia 30127

Subrogation: _____ Claim for Property damage \$ 1,243.49 Bodily Injury \$ _____

Date of Notice: 1/18/01 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 1/5/01 Place: North Avenue and Glen Iris Drive

Department Police Division: Field Operation Division

Employee involved Unknown Disciplinary Action: _____

NATURE OF CLAIM: The claimants' sustained vehicular damage when a hubcap flew off of a City of Atlanta patrol car and hit the driver's side door of their vehicle causing damages in the above amount.

INVESTIGATION:

Statements: City employee _____ Claimant X Other X Written _____ Oral X

Pictures _____ Diagrams _____ Reports: Police X Dept Report _____ Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____

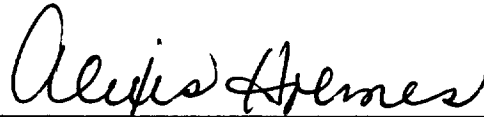
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement X

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,



INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ 1,014.02 Adverse _____ Account charged: 1A01 X 2J01 _____ 2H01 _____

Claims Manager:  Concur/date 05-17-01

Committee Action: _____ Council Action _____

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: 1/12/01

Dear Municipal Clerk:

ENTERED - 1-24-01 - SB
01L0075 - ALEXIS HOLMES

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 1243.49 property and/or \$ _____ bodily injury for which I contend the City is liable.

1. Date of incident: 1/5/01 2. Time of Incident: 3:40p 3. Police called: Yes ☒ No

4. Location of incident (including street address): North Ave (Glen Iris Drive)

5. Name of your insurance company: Allstate Policy No. _____

6. State what and how incident occurred: I was driving down north Ave, heading toward the police station (south). There was a truck in front of me and a police in front of the truck. The hubcap flew from the police car and hit my car on the driver's door. The hubcap knocked some of the rubber off the door and dented the door.

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: Acura Integra 1992 446JDC (Cobb) Webster Luke
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: _____
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: _____
(Name) (Address) (Telephone Number)

10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Webster Luke
Signature of Claimant

Webster Luke
(Print Claimant's Name)

3755 Lockerbie Lane
(Address)

Powdersprings, GA 30127
(City, State and Zip Code)

(770) 704-3138 (770) 222-7031
(Work Number) (Home Number)

GENERAL RELEASE AND INDEMNIFICATION

CLAIM NUMBER 01L0075

\$ 1,014.02

IN CONSIDERATION of the sum of TEN HUNDRED AND FOURTEEN AND 02/100
_____ DOLLARS, to be paid by the CITY OF ATLANTA, the future receipt of which is hereby acknowledged,
I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever discharge said City,
its officers and employees, from any and all claims, demands, actions, causes of action, suits, damages, loss and
expenses, of whatsoever kind or nature for or on account of anything that has heretofore occurred, and particularly
for or on account of a City of Atlanta Patrol car hubcap hitting their vehicle
which occurred on or about the 5th day of January, 2001,
at or near North Avenue and Glen Iris Street.

It is further understood and agreed that the payment of the above named sum is not to be considered as an
admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the
undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents,
servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers,
agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment
of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by
said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this
instrument.

WITNESS my hand and seal this twenty-third (23rd) day of May, 2001.

Webster Luke (LS)
WEBSTER LUKE

Beverly F. Gwinn Luke (LS)
BEVERLY FAY GWINN LUKE

The above release was read and explained to, and signed by the said _____

_____ in our presence on the date above written.

James M. Rush
[Signature]
WITNESSES

01- R -0867